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EXAMINER
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WANG, LIANG CHE A

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RAVI L. SAHITA and DAVID M. DURHAM

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Appeal 2008-1646  
Application 09/823,185  
Technology Center 2400

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Decided:<sup>1</sup> February 25, 2009

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Before JAMES D. THOMAS, JEAN R. HOMERE, and  
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

## STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-18 and 35-47. Claims 19-34 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

### *The Invention*

The disclosed invention relates generally to a managed network of nodes (Spec. 1-2). Specifically, a component acts as a compiler that translates an abstract description of a configuration into elementary operations that are supported by SNMP (Simple Network Management Protocol) for operating in a network node (Spec. 2).

Independent claim 1 is illustrative:

1. A managed node comprising:
  - a first database having metadata that is received from a remote source and that is descriptive of data stored in a second database;
  - a first process in communication with said second database; and
  - a second process in communication with said first process through a first protocol, said second process receiving communication transmitted across a network using a second protocol and having access to said metadata in said first database for translation between said first and second protocols.

*The References*

The Examiner relies upon the following references as evidence in support of the rejections:

Champlin	US 6,519,635 B1	Feb. 11, 2003 (filed Apr. 30, 1998)
Pan	US 6,775,701 B1	Aug. 10, 2004 (filed Aug. 15, 2000)
Ramberg	US 6,857,013 B2	Feb. 15, 2005 (filed Jan. 29, 1999)

*The Rejections*

1. The Examiner rejects claims 1-3, 5, 6, 8, 9, 11-13, 15, 16, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Champlin and Ramberg.
2. The Examiner rejects claims 4, 7, 10, 14, 17, and 35-43 under 35 U.S.C. § 103(a) as being unpatentable over Champlin, Ramberg and Pan.

ISSUE #1

Appellants assert that “*Champlin* translates *between formats* within the same SNMP protocol” but does not disclose “access to metadata in a first database for translation *between protocols*” (App. Br. 13). Appellants also assert that Ramberg discloses an “adjustment of data format, not a translation across data communication protocols” (Reply Br. 1).

Did Appellants demonstrate that the Examiner erred in finding that Champlin and/or Ramberg teaches or suggests a process for translating between a first and a second protocol?

### FINDINGS OF FACT

The following Findings of Facts (FF) are shown by a preponderance of the evidence.

1. Champlin discloses a “simple network management protocol (SNMP) protocol data unit (PDU) translation mechanism” (col. 4, ll. 23-25) which “includes translating information data for an SNMP sub-agent and an SNMP command . . . from [a] first format to a second format” (col. 4, ll. 33-36).
2. Champlin discloses that “an SNMP PDU . . . [has] identification data for an SNMP sub-agent and an SNMP command” (col. 4, ll. 25-27) and “is used to access a translation table **70** associated with the SNMP master agent **64**” (col. 4, ll. 59-61) to “designate the managed object” (col. 4, ll. 61-62).
3. Champlin discloses that “after the SNMP PDU **68** has been parsed” (col. 4, l. 67), “the translation table **70** may be accessed using information from the SNMP PDU **68** data field” (col. 4, ll. 65-66), that “is used to directly access an associated database record which specifies the managed object to be controlled (col. 5, ll. 3-4).

4. Ramberg discloses devices that “operate under different protocols” of which “the MIB **240** includes information” (col. 7, ll. 52-54).
5. Ramberg discloses “SNMP subagents **211** and **212** translate between the communications protocol of ADC devices **101** and **102** and the standardized SNMP protocol using information from the MIB **240**” (col. 7, ll. 55-58).
6. Pan discloses that network devices communicate “via one or more protocols” (col. 8, l. 54), including “SNMP (Simple Network management Protocol), COPS-RSVP, [and] COPS-PR (Common Open Policy Service-Provisioning)” (col. 8, ll. 56-58).

## PRINCIPLES OF LAW

### *35 U.S.C. § 103(a)*

Section 103 forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

*KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

“What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. at 1742 (2007). In *KSR*, the Supreme Court emphasized “the need for caution in granting a patent based on the combination of elements found in the prior art,” *Id.* at 1739, and discussed

circumstances in which a patent might be determined to be obvious. *KSR*, 127 S. Ct. at 1739 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12 (1966)). The Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 1740.

#### ANALYSIS (ISSUE #1)

Ramberg discloses "SNMP subagents **211** and **212** [that] translate between the communications protocol of ADC devices . . . and the standardized SNMP protocol" (col. 7, ll. 55-57) (FF 5). Thus, Ramberg discloses a translation between a first protocol (i.e., communication protocol of ADC devices) and a second protocol (i.e., the standardized SNMP protocol). In view of Ramberg's explicit disclosure of translating between a first protocol and a second protocol, we disagree with Appellants' contention that Ramberg fails to disclose translating between a first and a second protocol.

Appellants argue that "although *Ramberg* states that 'SNMP subagents **211** and **212** translate between the communication protocols of ADC devices,' (col. 7 lines 55-56), what *Ramberg* means is that the SNMP agents access the MIB to determine what pieces of information it can modify or

view” (Reply Br. 2). We disagree. Ramberg discloses that “ADC devices may operate under different protocols, and the MIB **240** includes information related to these protocols” (col. 7, ll. 53-55). Therefore, the MIB of Ramberg contains protocol information. If the MIB of Ramberg contains information pertaining to different protocols and SNMP sub-agents of Ramberg translate between the protocols using the information (of the different protocols) from the MIB as Ramberg explicitly discloses, we find no distinction between translating from one protocol to another protocol of Ramberg and translating from one protocol to another protocol as recited in claim 1. Also, in view of Ramberg’s explicit disclosure of sub-agents that “translate” between protocols, we find Appellants’ argument that Ramberg actually means something other than translating to be unavailing.

Independent claims 3, 9, 13, 35, and 37 each recite equivalent limitations to those discussed above regarding claim 1. Therefore, for at least the aforementioned reasons, we conclude that Appellants have not sustained the requisite burden on appeal in providing arguments or evidence persuasive of error in the Examiner’s rejection of claims 1-18 and 35-40, 44-47 with respect to issue #1.

## ISSUE #2

Appellants assert that there is no motivation to combine Ramberg and Champlin because “*Champlin* does not disclose a need to communicate with devices operated under different protocols” (App. Br. 11-12) and that



“having to now translate between two protocols, would have no doubt struck one of ordinary skill in the art as unnecessarily complex” (App. Br. 12).

Appellants also argue that combining Champlin and Ramberg “amounts to a piecemeal combination of components selectively culled from the prior art” and constitutes “an impermissible hindsight combination based on Appellant’s design” (App. Br. 13).

Did Appellants demonstrate that the Examiner erred in finding that it would have been obvious to one of ordinary skill in the art to combine the teachings of Ramberg and Champlin?

#### ANALYSIS (ISSUE #2)

Champlin discloses a system in which an SNMP master agent receives an SNMP PDU and parses the SNMP PDU to access a database record in a translation table that specifies the managed object to be controlled (FF 1-3). Information obtained from the translation table is thereby used to “translate” the received information in the SNMP PDU to a format usable by a secondary processor system in a network. Ramberg discloses translation of information corresponding to a protocol into another protocol, such as a standardized SNMP protocol (FF 4-5).

There are a finite number of methods that one of ordinary skill in the art may employ to translate data (such as a protocol) from one form to another. For example, one familiar method as disclosed by either Champlin or Ramberg may involve obtaining information from a data source (e.g., a

translation table (Champlin) or a MIB (Ramberg)) and utilizing the obtained data to translate data from one form to another. Ramberg further discloses a known method of translating data representing a first protocol (e.g., a communications protocol of ADC devices) into a second protocol (e.g., a standardized SNMP protocol). Champlin and Ramberg both disclose known methods of translation of data that, when combined, would have resulted in a predictable result of obtaining translated data that is usable in a secondary processing system of a network of devices. Because Appellants have not demonstrated that the combination of Champlin and Ramberg would have entailed anything more than the rearrangement of known elements (i.e., of translating data from one form to a second form that is usable in a secondary processing system of a network) to result in a predictable result of obtaining such translated data, we agree with the Examiner that it would have been obvious to one of ordinary skill in the art to combine the disclosures of Champlin and Ramberg. “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 127 S. Ct. at 1739. “[W]hen a patent ‘simply arranges old elements with each performing the same function it had been known to perform’ and yields no more than one would expect from such an arrangement, the combination is obvious.” *Id.* at 1740 (citing *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282 (1976)).

For at least the aforementioned reasons, we conclude that Appellants have not sustained the requisite burden on appeal in providing arguments or

evidence persuasive of error in the Examiner's rejection of claims 1-3, 5, 6, 8, 9, 11-13, 15, 16, 18, and 44-47 with respect to issue #2.

### ISSUE #3

Appellants assert that “[t]here is no motivation to combine the teachings of *Pan* with *Ramberg* and *Champlin*” (App. Br. 14). Appellants also assert that the combination of Champlin, Ramberg, and Pan “amounts to a piecemeal combination of components” and is therefore based on “impermissible hindsight” (App. Br. 15).

Did Appellants demonstrate that the Examiner erred in finding that it would have been obvious to one of ordinary skill in the art to combine the teachings of Pan with Ramberg and Champlin?

### ANALYSIS (ISSUE #3)

As set forth above, Ramberg and Champlin disclose translating data, such as protocol data (Ramberg) for use in a network using SNMP agents and sub-agents. Pan discloses a common protocol for such use as a COPS protocol (FF 6). Appellants have failed to demonstrate that such a rearrangement of known elements of translating one protocol to another protocol (Ramberg and/or Champlin), where one common protocol includes a COPS protocol (Pan) would have been beyond the purview of one of ordinary skill in the art or would have resulted in an unpredictable or unexpected outcome. Indeed, such a combination appears to entail no more

than mere common sense on the part of one of ordinary skill in the art. “[T]he common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.” *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (citing *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007)).

For at least the aforementioned reasons, we conclude that Appellants have not sustained the requisite burden on appeal in providing arguments or evidence persuasive of error in the Examiner’s rejection of claims 4, 7, 10, 14, 17, and 35-43 with respect to issue #3.

### CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that Appellants have failed to demonstrate that the Examiner erred in:

1. finding that Champlin and/or Ramberg teaches or suggests a process for translating between a first and a second protocol (issue #1),
2. concluding that it would have been obvious to one of ordinary skill in the art to combine the teachings of Ramberg and Champlin (issue #2), and
3. concluding that it would have been obvious to one of ordinary skill in the art to combine the teachings of Pan with Ramberg and Champlin (issue #3).

Appeal 2008-1646  
Application 09/823,185

DECISION

We affirm the Examiner's decision rejecting claims 1-18 and 35-47 under 35 U.S.C. § 103.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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